

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INDIAN HARBOR INSURANCE COMPANY,

Plaintiff,

v.

THE CITY OF SAN DIEGO,

Defendant.

Case No. 12cv-5787 (JGK-KNF)

**MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern District of New York, I, Kathleen F. Donovan, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

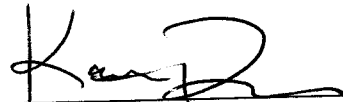
David P. Bender, Esq.  
Anderson Kill & Olick, P.C.  
864 E. Santa Clara Street  
Ventura, CA 93001  
Tel: (805) 288-1300  
Fax: (805) 288-1301

David P. Bender, Esq. is a member in good standing of the Bar of the State of California. There are no pending disciplinary proceedings regarding David P. Bender, Esq. in any State or Federal Court.

Dated: November 12, 2012

Respectfully submitted,

By:

  
Kathleen F. Donovan  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 278-1000

Attorneys for Defendants  
The City of San Diego

**UNITED STATES DISTRICT COURT  
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INDIAN HARBOR INSURANCE COMPANY,

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**AFFIRMATION OF  
KATHLEEN F. DONOVAN,  
ESQ. IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

STATE OF NEW YORK                    )  
  )     SS:  
COUNTY OF NEW YORK                )

Kathleen F. Donovan, Esq., being duly sworn, hereby deposes and says as follows:

1. I am an attorney with the law firm of Anderson Kill & Olick, P.C. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit David P. Bender, Esq. as counsel *pro hac vice* to represent Defendant The City of San Diego in this matter.

2. I am a member in good standing of the bar of the State of New York and the United States District Court for the Southern District of New York, and was admitted to practice law in the State of New York in April 2012.

3. Mr. Bender is an attorney licensed to practice law in the State of California and has been a member in good standing of the California Bar since 1986. *See* Exhibit A. He is an active member in good standing and currently eligible to practice law in the U.S. District Court for the Central District of California, U.S. District Court for the Eastern District of California, U.S. District Court for the Southern District of California, and the State of California.

4. There are no disciplinary proceedings pending against Mr. Bender, nor has he ever been subject to any disciplinary proceedings.

5. Mr. Bender has never been subject to any suspension or disbarment proceedings.

6. Mr. Bender is familiar with and shall be governed by the local rules of this court, the rules of professional conduct and all other requirements governing the professional behavior of members of the New York Bar.

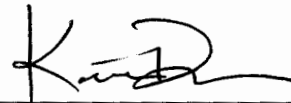
7. I respectfully submit a proposed order granting the admission of David P. Bender, *pro hac vice*, which is attached as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit David P. Bender, Esq., *pro hac vice*, to represent Defendant The City of San Diego, in the above captioned matter, be granted.

Dated: November 12, 2012

Respectfully submitted,

By:



Kathleen F. Donovan  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 278-1000

Attorneys for Defendant  
The City of San Diego

# **EXHIBIT A**



## THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

### CERTIFICATE OF STANDING

October 16, 2012

#### TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DAVID PAUL BENDER, JR., #123976 was admitted to the practice of law in this state by the Supreme Court of California on January 6, 1986; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script, appearing to read "Louise Turner".

Louise Turner  
Custodian of Membership Records

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

INDIAN HARBOR INSURANCE COMPANY,  
  
Plaintiff,  
  
v.  
  
THE CITY OF SAN DIEGO,  
  
Defendant.

Case No. 12cv-5787 (JGK-KNF)

**ORDER FOR ADMISSION  
*PRO HAC VICE* ON  
WRITTEN MOTION**

Upon the motion of Kathleen F. Donovan, Esq., attorneys for Defendant The City of San Diego, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

David P. Bender, Esq.  
Anderson Kill & Olick, P.C.  
864 E. Santa Clara Street  
Ventura, CA 93001  
Tel: (805) 288-1300  
Fax: (805) 288-1301

is admitted to practice *pro hac vice* as counsel for Attorneys for Defendant The City of San Diego, in the above captioned case in the United States District Court of the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: November \_\_\_, 2012

\_\_\_\_\_  
United States District Judge John G. Koeltl